
HOUSE BILL No. 1068

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-6; IC 20-27.

Synopsis: Drivers of vehicles carrying school children. Provides that a driver who is convicted of operating a motor vehicle while under the influence of alcohol or who operates a commercial motor vehicle with a certain alcohol concentration is disqualified for life from transporting school children in: (1) a school bus; (2) a special purpose bus; or (3) certain vehicles owned by a school corporation. Provides that transporting school children when disqualified is a Class C misdemeanor.

Effective: July 1, 2008.

Herrell

January 8, 2008, read first time and referred to Committee on Courts and Criminal Code.

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word NEW will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1068

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SOURCE: IC 9-24-6-2; (08)IN1068.1.1. --> SECTION 1. IC 9-24-6-2, AS AMENDED BY P.L.188-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law ~~106-159~~ 106-159, 113 Stat. 1748).

(c) Rules adopted under this section must include the following:

(1) Establishment of classes and periods of validation of commercial driver's licenses.

(2) Standards for commercial driver's licenses, including suspension and revocation procedures.

(3) Requirements for documentation of eligibility for legal employment, as set

forth in 8 CFR 274a.2, and proof of Indiana

residence.

(4) Development of written or oral tests, driving tests, and fitness requirements.

(5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including a unique identifier of the holder.

(6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.

(7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.

(8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.

(9) Other rules necessary to administer this chapter.

(d) Except as provided in subsection (e), 49 CFR 383 through 384 are adopted as Indiana law.

(e) 49 CFR 383.51(b), Table 1, is adopted as Indiana law, except for:

(1) Table 1(1), for which the penalty is stated in section 11(b) of this chapter; and

(2) Table 1(3), for which the penalty is stated in section 11(c) of this chapter.

SOURCE: IC 9-24-6-9; (08)IN1068.1.2. --> SECTION 2. IC 9-24-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. Except as provided in section 11(b) or 11(c) of this chapter, a driver who:

(1) either:

(A) is convicted for the first time of a disqualifying offense described in section 8(1) through 8(4) or 8(6) of this chapter; or

(B) is found to have violated section 8(7) of this chapter; and

(2) is not transporting hazardous materials required to be placarded under the federal Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813); is disqualified for one (1) year from driving a commercial motor vehicle.

SOURCE: IC 9-24-6-11; (08)IN1068.1.3. --> SECTION 3. IC 9-24-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) A driver who is convicted of an offense described in section 8(5) of this chapter is disqualified for life from driving a commercial motor vehicle.

(b) A driver who is convicted of operating a motor vehicle while under the influence of alcohol in violation of IC 9-30-5-1(a) or IC 9-30-5-1(b) is disqualified for life from transporting school children in a:

(1) school bus;

(2) special purpose bus; or

(3) vehicle owned by a school corporation as set forth in IC 20-27-12-5.

(c) For purposes of this subsection, "conviction" has the meaning set forth in IC 9-30-4-6(f)(1) through IC 9-30-4-6(f)(4). A driver who is convicted of an offense under section 15 of this chapter is disqualified for life from transporting school children in

a:

- (1) school bus;**
- (2) special purpose bus; or**
- (3) vehicle owned by a school corporation as set forth in IC 20-27-12-5.**

SOURCE: IC 9-24-6-16; (08)IN1068.1.4. --> SECTION 4. IC 9-24-6-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) A person who:

(1) is disqualified under this article from driving a commercial motor vehicle;
and

(2) drives a commercial motor vehicle;
commits a Class C misdemeanor.

(b) An individual who is disqualified from transporting school children under section 11(b) or 11(c) of this chapter and recklessly, knowingly, or intentionally transports school children in a:

- (1) school bus;**
- (2) special purpose bus; or**
- (3) vehicle owned by a school corporation as set forth in IC 20-27-12-5;**

commits a Class C misdemeanor.

SOURCE: IC 20-27-8-1.5; (08)IN1068.1.5. --> SECTION 5. IC 20-27-8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.5. (a) For purposes of this section, "conviction" has the meaning set forth in IC 9-30-4-6(f)(1) through IC 9-30-4-6(f)(4).

(b) Notwithstanding any other law, an individual may not drive a school bus for the transportation of students if the individual has a conviction for a violation of IC 9-24-6-15, IC 9-30-5-1(a), or IC 9-30-5-1(b), and the offense that is the basis for the conviction occurred after June 30, 2008.

SOURCE: IC 20-27-9-5; (08)IN1068.1.6. --> SECTION 6. IC 20-27-9-5, AS AMENDED BY P.L.99-2007, SECTION 171, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A special purpose bus may be used:

(1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;

(2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;

(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability;
and

(4) to transport homeless students under IC 20-27-12.

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:

(1) If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid operator's, chauffeur's, or public passenger chauffeur's license.

(2) If the special purpose bus has a capacity of more than fifteen (15) passengers, the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1.

(f) For purposes of this subsection, "conviction" has the meaning set forth in IC 9-30-4-6(f)(1) through IC 9-30-4-6(f)(4). Notwithstanding any other law, an individual may not drive a special purpose bus for the transportation of students if the individual has a conviction for a violation of IC 9-24-6-15, IC 9-30-5-1(a), or IC 9-30-5-1(b), and the offense that is the basis for the conviction occurred after June 30, 2008.

SOURCE: IC 20-27-12-5; (08)IN1068.1.7. --> SECTION 7. IC 20-27-12-5, AS ADDED BY P.L.191-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A school corporation may use the following types of vehicles in transporting a homeless student to a school of origin:

(1) If at least four (4) homeless students are being transported to schools in the same school corporation, a special purpose bus must be used to transport the students.

(2) If three (3) or fewer students are being transported to schools in the same school corporation, an appropriate vehicle owned by the school corporation may be used to transport the students.

(b) The driver of a vehicle used to transport homeless students to a school of origin under subsection (a) must meet the qualifications set forth in IC 20-27-9-5(c).

(c) For purposes of this subsection, "conviction" has the meaning set forth in IC 9-30-4-6(f)(1) through IC 9-30-4-6(f)(4). Notwithstanding any other law, an individual may not drive:

(1) a special purpose bus; or

(2) an appropriate vehicle owned by the school corporation;

for the transportation of a homeless student to a school of origin if the individual has a conviction for a violation of IC 9-24-6-15, IC 9-30-5-1(a), or IC 9-30-5-1(b), and the offense that is the basis for the conviction occurred after June 30, 2008.

SOURCE: IC 20-27-12-6; (08)IN1068.1.8. --> SECTION 8. IC 20-27-12-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. An individual who knowingly, intentionally, or recklessly violates section 5(c) of this chapter commits a Class C misdemeanor.

SOURCE: ; (08)IN1068.1.9. --> SECTION 9. [EFFECTIVE JULY 1, 2008] IC 9-24-6-11(b) and IC 9-24-6-11(c), both as added by this act, apply only to a violation of:

(1) IC 9-24-6-15;

(2) IC 9-30-5-1(a); or

(3) IC 9-30-5-1(b);

committed after June 30, 2008.